



PATENT
DOCKET NO.: L6625.001/P001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: MILNER et al.

SERIAL NO.: 08/139,113

FILED: October 21, 1993

FOR: SYSTEM FOR MINIMIZING
INCENDIARY STATIC
ELECTRICAL DISCHARGE

Group Art Unit: 1504

Examiner: Kathleen Choi

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Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action, paper number 5, mailed October 31, 1994, applicants provisionally elect to prosecute the claims of Group III consisting of claims 22-28 drawn to a container.

Applicants' election of Group III is made with traverse. Beyond merely reciting language from M.P.E.P. § 806.04, the Examiner has not presented arguments sufficient to show distinctness required under M.P.E.P. § 806.04(b), third paragraph. Applicants herein reserve the right to present

additional arguments with respect to the inappropriateness of this restriction requirement in the future.

The Examiner has stated that the inventions of Groups I, II, III, and IV are disclosed as different combinations which are not connected in design, operation or effect. The Examiner has also stated that the combinations are independent because allegedly they have different effects. Specifically, the Examiner has stated that "[t]he inventions of Groups I, II and III are drawn to materials which would render strength, whereas the invention of Group IV is drawn to a method of treating a surface to render a specific electrical resistivity." Applicants disagree.

The inventions of Groups I, II, and III are drawn to fabric materials and containers made therefrom which primarily reduce incendiary static discharges. As stated at page 6, lines 15-19, of the specification, "[a] particular advantage of the fabrics of the present invention is that specific surface resistivities e.g., between 10^9 and 10^{12} ohm/square are achieved and when containers are normally constructed therefrom need not be grounded during filling and emptying operations." Therefore, while the fabric materials and containers made therefrom may provide additional strength to flexible intermediate bulk containers, the primary effect of the inventions of Groups I, II, and III, like the invention of Group IV, is to create an

appropriate electrical resistivity in order to reduce incendiary static discharges.

In the absence of any specific reasons applicable to the instant case which support the appropriateness of the Examiner's restriction requirement, it is respectfully requested that the restriction requirement be withdrawn and that all pending claims be examined together in this application.

Respectfully submitted,

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